

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

PAIUTE PIPELINE COMPANY, a Nevada corporation,

Plaintiff,

vs.

358.95 ACRES OF LAND, MORE OR LESS, LOCATED IN
DOUGLAS COUNTY, NEVADA, et al,

Defendants.

CASE NO:

3:10-cv-00661-LRH-WGC

PARCEL NO:

APN 1319-19-802-006

**JUDGMENT OF CONDEMNATION REGARDING DOUGLAS COUNTY ASSESSOR
PARCEL NUMBER 1319-19-802-006**

1. On February 10, 2011, Paiute Pipeline Company ("Paiute") filed its Amended Complaint in Eminent Domain (the "Complaint") to acquire a perpetual easement, and in some cases temporary easements, on a portion of five properties located in Douglas County, Nevada, for the Paiute 2010 Expansion Project, and improvements related thereto¹. This Judgment of Condemnation pertains to one of the five properties identified in the Complaint (the "Property"). The Property is more accurately described as Douglas County Assessor Parcel Number 1319-19-802-006, located at 241 Tramway Drive in Stateline, Nevada. The Property is owned in fee by Defendant William Cole.

2. Pursuant to Paiute and Cole's Stipulation and Order for Settlement, Refund of Funds Deposited with the Clerk of Court, Entry of Judgment, Entry of Final Order of Condemnation, and Release of All

¹ The original Complaint was filed on October 22, 2010.

1 Claims Regarding Douglas County Assessor Parcel Number 1319-19-802-006 ("Stipulation for
2 Settlement"), entered on the 5th day of June, 2012, Paiute paid Cole \$24,000.00 (twenty-four thousand
3 dollars) as total just compensation for property interests acquired. Now, therefore, judgment is hereby
4 entered in favor of Paiute.

5 3. The parties are awarded the relief specified in the Stipulation for Settlement. The property
6 interests described in the Stipulation for Settlement may be taken and condemned for the uses and
7 purposes set forth therein; that the use for which the property is condemned – the Paiute 2010
8 Expansion Project – is a public use; and that the taking in eminent domain is necessary for that public
9 use.

10 4. Paiute, its successors, and assigns, for use by them and their employees and contractors, hereby
11 acquire three permanent easements on the Property, the terms and descriptions of which are contained
12 in Exhibit 1 and incorporated herein.

13 5. All Defendants who have, or may have, an interest in the Property were served with the
14 Complaint and Notice of Condemnation.

15 6. The Defendants Sierra Pacific Power Company, California Interstate Telephone Company, and
16 Continental Telephone Company of California, d/b/a/ Continental Telephone Company of Nevada filed
17 with the Court disclaimers of interest in this matter, disclaiming any entitlement to just compensation
18 and notice of proceedings.

19 7. Those Defendants identified as Unknown Owners were duly served with process by publication
20 and have failed to appear in this matter, and Paiute has obtained entry of default against them.
21 Judgment by default is hereby entered against said Defendants, by which they take nothing in the
22 above-entitled matter.

23 8. The above payment by Paiute satisfies all claims of the Defendants and constitutes a full release
24 of all claims of the Defendants in favor of Paiute, its successors, and assigns, arising out of the events
25 described in the pleadings herein.

26 9. This judgment constitutes full compensation for the acquisition of the easements, including, but
27 not limited to, compensation for the property interest, severance damages, pre-condemnation damages,
28 inverse condemnation damages, temporary taking damages, interest, attorney's fees, cost of suit, and
any other compensation claimed of whatever source or nature arising from this action. The above

1 payment was made as part of the Stipulation for Settlement, and cannot be construed as an admission or
2 an opinion of the value of the property by Paiute or the Defendants and shall not be admissible in
3 evidence in other proceedings for the purpose of proving liability for a taking, the value of property, or
4 the amount of money to be paid in just compensation.

5 10. Paiute shall be entitled to, and this court shall make, a Final Order of Condemnation in the form
6 attached hereto as Exhibit 2, which Final Order of Condemnation shall describe the property rights
7 condemned and the purposes for such condemnation and which property shall be as described in this
8 Judgment of Condemnation, and thereupon said property rights shall vest in Paiute for the right of
9 access to and the right to install utilities within the area specified in the easement as specified in the
Amended Complaint.

10 11. The pleadings shall be deemed amended to conform with the terms to which the parties agreed
11 in the Stipulation for Settlement.

12
13 Dated this 29th day of June, 2012



14
15
16 LARRY R. HICKS
UNITED STATES DISTRICT JUDGE

17 SUBMITTED BY:


18
19 
20 Agnes Hanley
21 Nevada Bar No. 11226
22 1100 Bridger Avenue
23 Las Vegas, NV 89101
24 Attorney for Paiute Pipeline Company
25
26
27
28

Exhibit 1

Stantec Consulting Inc.
6980 Sierra Center Parkway Suite 100
Reno NV 89511
Tel: (775) 850-0777 Fax: (775) 850-0787
stantec.com



Stantec

February 2, 2010
Project No. 180401362
EXHIBIT "A"
Payute Pipeline Company
Grant of Easement
APN 1319-19-802-006

Those portions of the Southeast 1/4 of Section 19, T13N, R19E, MDM, County of Douglas, State of Nevada, more particularly described as follows:

Easement 1

Commencing at the most northerly corner of Parcel B as shown on that Parcel Map for William Cole, recorded January 18, 1990 as Document No. 218503, Book 190, Page 2928, Official Records of Douglas County, Nevada, from which the Southeast Corner of said Section 19 bears South 54°15'35" East 1631.48 feet, said point also being on a non-tangent curve to the right, concave southwesterly, with tangent bearing South 62°31'40" East and a radius of 370.00 feet;

Thence along the northeasterly line of said Parcel B and said 370.00 foot curve, through a central angle of 16°07'29", an arc length of 104.13 feet to the true Point of Beginning;

Thence continuing along said northeasterly line and said curve, from a tangent bearing South 46°24'11" East, through a central angle of 8°36'04", an arc length of 55.54 feet to a point on a non-tangent curve to the right, with tangent bearing South 8°02'28" West, and a radius of 175.00 feet;

Thence departing said northeasterly line, along said curve, through a central angle of 1°19'56", an arc length of 4.07 feet;

Thence South 9°22'24" West 38.32 feet to a point on a tangent curve to the left with a radius of 324.92 feet;

Thence along said curve, through a central angle of 0°56'51", an arc length of 5.37 feet to a point on the northeasterly line of said Parcel B;

Thence along said northeasterly line the following two (2) courses:

South 57°44'42" West 11.61 feet;

South $32^{\circ}15'18''$ East 14.30 feet to a point on a non-tangent curve to the left, concave easterly, with tangent bearing South $5^{\circ}10'39''$ West and a radius of 324.92 feet;

Thence departing said northeasterly line and along said curve, through a central angle of $5^{\circ}44'52''$, an arc length of 32.60 feet to a point on a compound curve to the left with radius of 73.75 feet;

Thence along said curve, through a central angle of $22^{\circ}04'10''$, an arc length of 28.41 feet;

Thence South $52^{\circ}44'03''$ East 81.28 feet to a point on the northeasterly line of said Parcel B;

Thence along said northeasterly line the following two (2) courses:

South $32^{\circ}15'18''$ East 168.90 feet;

South $57^{\circ}44'42''$ West 5.87 feet;

Thence departing said northeasterly line North $28^{\circ}44'43''$ West 33.29 feet to a point on a tangent curve to the left with a radius of 128.00 feet;

Thence along said curve, through a central angle of $23^{\circ}59'20''$, an arc length of 53.59 feet;

Thence North $52^{\circ}44'03''$ West 157.09 feet to a point on a tangent curve to the right with a radius of 32.00 feet;

Thence along said curve, through a central angle of $28^{\circ}33'04''$, an arc length of 15.95 feet to a point on a compound curve to the right with a radius of 113.75 feet;

Thence along said curve, through a central angle of $23^{\circ}36'46''$, an arc length of 46.88 feet to a point on a compound curve to the right with radius of 364.92 feet;

Thence along said curve, through a central angle of $9^{\circ}56'37''$, an arc length of 63.33 feet;

Thence North $9^{\circ}22'24''$ East 38.32 feet to a point on a tangent curve to the left with a radius of 135.00 feet;

Thence along said curve, through a central angle of $8^{\circ}41'33''$, an arc length of 20.48 feet;

Thence North $3^{\circ}23'24''$ East 18.33 feet to the Point of Beginning.

Containing an area of 12,283 square feet of land, more or less.

Easement 2

Commencing at Southeast Corner of Parcel B as shown on that Parcel Map for William Cole, recorded January 18, 1990 as Document No. 218503, Book 190, Page 2928, Official Records of Douglas County, Nevada, said point being North $89^{\circ}18'19''$ West 313.73 feet from the Southeast Corner of said Section 19;

Thence along the south line of said Section 19, North $89^{\circ}18'19''$ West 229.23 feet to the true Point of Beginning;

Thence continuing along said section line North $89^{\circ}18'19''$ West 66.88 feet to a point on a non-tangent curve to the right, concave northeasterly, with tangent bearing North $52^{\circ}14'19''$ West and a radius of 4633.20 feet;

Thence departing said section line and along said curve, through a central angle of $4^{\circ}39'25''$, an arc length of 376.58 feet to a point on a non-tangent curve to the right, concave northeasterly, with tangent bearing North $47^{\circ}47'52''$ West and a radius of 102.00 feet;

Thence along said curve, through a central angle of $19^{\circ}03'09''$, an arc length of 33.92 feet;

Thence North $28^{\circ}44'43''$ West 92.20 feet to a point on the northeasterly line of Parcel B as shown on said Parcel Map, said point being on a non-tangent curve to the left, concave northeasterly, with tangent bearing South $50^{\circ}40'27''$ East and a radius of 625.00 feet;

Thence along said northeasterly line and said curve, through a central angle of $8^{\circ}20'32''$, an arc length of 91.00 feet;

Thence departing said northeasterly line South $28^{\circ}44'43''$ East 10.55 feet to a point on a tangent curve to the left with a radius of 62.00 feet;

Thence along said curve, through a central angle of $19^{\circ}06'49''$, an arc length of 20.68 feet to a point on a non-tangent curve to the left, concave northeasterly, with tangent bearing South $47^{\circ}34'50''$ East and a radius of 4593.20 feet;

Thence along said curve, through a central angle of $5^{\circ}19'25''$, an arc length of 426.78 feet to the Point of Beginning.

Containing an area of 19,111 square feet of land, more or less.

Easement 3

Commencing at Southeast Corner of Parcel B, as shown on that Parcel Map for William Cole, recorded January 18, 1990 as Document No. 218503, Book 190, Page 2928, Official Records of Douglas County, Nevada, said point being North $89^{\circ}18'19''$ West 313.73 feet from the Southeast Corner of said Section 19;

Thence departing said section line and along the east line of said Parcel B, North $00^{\circ}59'57''$ East 57.51 feet to the true Point of Beginning, said point being on a non-tangent curve to the left, concave southeasterly, with tangent bearing South $79^{\circ}51'58''$ West and a radius of 55.00 feet;

Thence departing said east line and along said curve, through a central angle of $18^{\circ}02'13''$, an arc length of 17.31 feet;

Thence South $61^{\circ}49'45''$ West 107.00 feet to a point on the south line of said Section 19;

Thence along said south line North $89^{\circ}18'19''$ West 82.86 feet;

Thence departing said section line North $61^{\circ}49'45''$ East 179.56 feet to a point on a tangent curve to the right with radius of 95.00 feet;

Thence along said curve, through a central angle of $11^{\circ}56'39''$, an arc length of 19.80 feet to a point on the easterly line of said Parcel B;

Thence along the easterly line of said Parcel B the following two (2) courses:

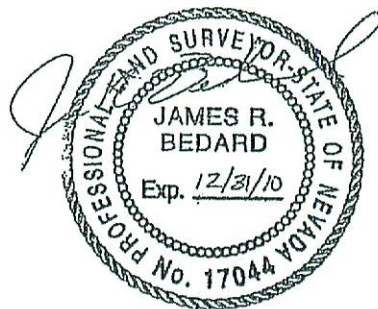
South $35^{\circ}27'33''$ East 29.47 feet;

South $00^{\circ}59'57''$ West 13.07 feet to the Point of Beginning.

Containing an area of 6,588 square feet of land, more or less.

BASIS OF BEARINGS: NAD 83 (94 HARN) Nevada State Plane Coordinate System, West Zone, Modified.

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2/2/10

ORIGINAL SHEET - ANSI A

BASIS OF BEARINGS:
NEVADA STATE PLANE
COORDINATE SYSTEM,
WEST ZONE MODIFIED,
NAD 83 (94) HARN

AREA:
19,111 SQUARE
FEET OF LAND,
MORE OR LESS

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2010-02-02 12:26PM By: lbedard

Stantec Consulting

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89511

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775.850.0787

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TAN BRG.

PMB

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POINT OF BEGINNING

TANGENT BEARING

PARCEL MAP

PROPERTY LINE

PROF LINE
EASEMENT LINE

Client/Project

PAULTE PIPELINE COMPANY

2010 PAIUTE EXPANSION PROJECT
SOUTH TAHOE LOOP

Figure No.

20F3

PIPELINE EASEMENT 2
EXHIBIT "B"

JANUARY, 2010
180401362

Exhibit 2

1 CHAPMAN LAW FIRM, P.C.
2 Michael G. Chapman, Nevada Bar No. 1630
3 michael@michaelchapman.com
4 Erich N. Storm, Nevada Bar No. 4480
5 estorm@michaelchapman.com
6 Agnes Hanley, Nevada Bar No. 11226
7 ahanley@michaelchapman.com
8 1100 Bridger Avenue
9 Las Vegas, NV 89101
10 Phone 702-382-1859
11 Fax 702-382-1894
12 Attorneys for Plaintiff

13 UNITED STATES DISTRICT COURT
14 DISTRICT OF NEVADA

15 PAIUTE PIPELINE COMPANY, a Nevada corporation,

16 Plaintiff,

17 vs.

18 358.95 ACRES OF LAND, MORE OR LESS, LOCATED IN
19 DOUGLAS COUNTY, NEVADA, et al,

20 Defendants.

CASE NO:

3:10-cv-00661-LRH-WGC

PARCEL NO:

APN 1319-19-802-006

21 **FINAL ORDER OF CONDEMNATION REGARDING DOUGLAS COUNTY ASSESSOR**
22 **PARCEL NUMBER 1319-19-802-006**

23 It satisfactorily appears to the Court from the records and files in this action as follows:

24 1. A Judgment of Condemnation regarding Douglas County Assessor Parcel Number 1319-
25 19-802-006 awarding compensation respecting the property and property rights of the Defendants and
26 of condemnation of the property and property rights sought to be taken for public use in the amount of
27 \$24,000.00, was duly pronounced by this Court and entered on the ____ day of _____,
28 2012.

2. On June 12, 2012, Paiute paid \$24,000.00 as total just compensation for property
interests acquired.

3. Paiute is entitled to a Final Order of Condemnation in the manner provided by Nevada
Revised Statute 37.160.

1 4. Therefore, it is hereby ordered that there shall be condemned to Paiute the rights, title
2 and interests in the real property described in Exhibit 1.

3 5. Paiute, its successors, and assigns, for use by them and their employees and contractors,
4 hereby acquire three permanent easements on the Property, the terms and descriptions of which are
5 contained in Exhibit 1 and incorporated herein.

6 6. IT IS FURTHER ORDERED that a copy of this Final Order of Condemnation be
7 recorded in the office of the County Recorder of Douglas County, Nevada, and thereupon title to the
8 property rights hereinbefore described shall vest in Paiute.

9
10 Dated this ____ day of _____, 2012

11
12 _____
DISTRICT COURT JUDGE

13 SUBMITTED BY:

14
15 _____
16 Agnes N. Hanley, Nevada Bar No. 11226
17 1100 Bridger Avenue
18 Las Vegas, NV 89101
19 Attorney for Paiute Pipeline Company
20
21
22
23
24
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Exhibit 1

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Stantec

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Thence along the northeasterly line of said Parcel B and said 370.00 foot curve, through a central angle of 16°07'29", an arc length of 104.13 feet to the true Point of Beginning;

Thence continuing along said northeasterly line and said curve, from a tangent bearing South 46°24'11" East, through a central angle of 8°36'04", an arc length of 55.54 feet to a point on a non-tangent curve to the right, with tangent bearing South 8°02'28" West, and a radius of 175.00 feet;

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